

Clark,	Johnson,	Potter,
Clemens,	Kearby,	Seale,
Crane,	Kimbrough,	Simkins,
Cranford,	Lubbock,	Sims,
Frank,	Maetze,	Stephens,
Garwood,	McKinney,	Townsend,
Glasscock,	Mott,	Weisiger,
		Whatley.

Senator Johnson moved to excuse all the absentees under all the calls.

Senator Glasscock moved to adjourn.

Adopted.

SEVENTY-THIRD DAY.

SENATE CHAMBER,
TWENTY-SECOND LEGISLATURE,
Austin, Texas, April 10, 1891.

The Senate met pursuant to adjournment.

Lieutenant-Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answering to their names:

PRESENT—29.

Atlee,	Glasscock,	Page,
Burney,	Harrison,	Pope,
Carter,	Ingram,	Potter,
Clark,	Johnson,	Seale,
Clemens,	Kearby,	Sims,
Crane,	Kimbrough,	Stephens,
Cranford,	Lubbock,	Townsend,
Finch,	Maetze,	Tyler,
Frank,	McKinney,	Whatley,
Garwood,	Mott,	

ABSENT 2.

Simkins, Weisiger.

Prayer by the chaplain, Dr. Smoot.

Pending the reading of the Journal the further reading of the same was dispensed with on motion of Senator Sims.

On motion of Senator Frank, Senator Finch was excused for yesterday on account of sickness.

Senator Pope moved to excuse Senator Tyler for yesterday on account of important business.

Adopted.

The following reports were presented from their respective committees:

COMMITTEE ROOM.

Austin, April 10, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your Judiciary committee No. 1, to whom was referred

Substitute House bills Nos. 42 and 137, being "A bill to be entitled an act to amend title 111, articles 9 and 10, and to add articles 10a, 10b, 10c, 10d, 10e, 10f, 10g, 10h and to repeal all laws in conflict herewith."

Have had the same under consider-

ation, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

Respectfully submitted,

POPE, Chairman.

COMMITTEE ROOM,

Austin, April 10, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Public Lands, to whom was referred

Substitute House bill No. 481, a bill to be entitled, "An act to amend sections 11, 14 and 15 of an act to amend sections 5, 8, 11, 13, 14, 15 and 22, chapter 99, of an act entitled 'An act to provide for the sale of all lands heretofore surveyed and set apart for the benefit of the public free schools, the university and the several asylums, and the lease of such lands and of the public lands of the State, and to prevent the free use, occupancy, unlawful enclosure or unlawful appropriation of such lands, and to prescribe and provide adequate penalties therefor. Approved April 1, 1887; approved April 8, 1889.'"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

SIMS, Chairman.

COMMITTEE ROOM,

Austin, April 10, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your Judiciary committee No. 2, to whom was referred

House bill No. 467, being "An act to amend article 430a of the revised civil statutes of the state of Texas, as amended by an act approved April 4, 1889,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass with the following amendments:

1. Amendment by striking out the letter "a" after the figures "430." Also strike out the letter "a" after the figures "430" in lines 8 and 11, page 1 of the bill.

2. Amend bill by striking out the county of Smith in line 23, page 1 and by striking out the county of Bell in line 25, page 1.

All of which is respectfully submitted.

TYLER, Chairman.

COMMITTEE ROOM,
Austin, April 10, 1891.

Hon. George C. Pendleton, President
of the Senate:

Sir—Your committee on Judiciary
No. 2, to whom was referred

House bill No. 90, being "An act to
amend article 528, chapter 7, title 15,
of the Penal Code of the State of
Texas, as amended by act of the
Twentieth Legislature," approved
February 25, 1887,

Have had the same under considera-
tion, and I am instructed by a major-
ity to report the same back to the
House with the recommendation that
it do pass.

All of which is respectfully submit-
ted.

TYLER, Chairman.

BILLS AND RESOLUTIONS.

By Senator Pope:

A bill to be entitled "An act to pre-
vent the sale of deadly weapons to
minors."

Read first time and referred to Ju-
diciary committee No. 2.

By Senator Burney:

Senate joint resolution to amend
section 4, of article 6, of the constitu-
tion of the State of Texas, providing
for a system of registration in cities of
ten thousand inhabitants or more.

Read first time and referred to com-
mittee on Constitutional Amend-
ments.

Senator Townsend offered the fol-
lowing resolution:

Be it resolved by the Senate that
the Superintendent of Public Build-
ings and Grounds be and is hereby
authorized to have the portraits of
the several senators now in the Senate
Chamber hung on the walls of the
Senate Chamber.

Adopted.

Senator Kimbrough rose to a ques-
tion of privilege and stated to the Sen-
ate that he was in error on yesterday
when he stated that all the gentlemen
whose names were signed to the tele-
gram asking that no changes be made
in the Dallas charter amendments in
so far as Hon. Bryan T. Barry was
concerned. "I am glad to state," said
the Senator, "that Mr. Barry voted
for the Democratic nominee. I make
this statement in justice to him not
wishing to do the gentleman any in-
justice."

ORDER OF THE DAY.

Question recurred to the motion of
Senator Burney to postpone pending
business, suspend the rules and take
up out of its regular order

House bill No. 129, entitled "An act
to protect stockraisers, farmers and
horticulturalists, providing for the
destruction of wolves and other wild
animals; to make an appropriation
therefor, and to repeal chapter 119
relating to the same subject," approved
April 2, 1887.

Senator Carter moved a call of the
Senate, which was ordered.

The following Senators answered to
their names:

PRESENT—29.

Atlee,	Glasscock,	Page,
Burney,	Harrison,	Pope,
Carter,	Ingram,	Potter,
Clark,	Johnson,	Seale,
Clemens,	Kearby,	Sims,
Crane,	Kimbrough,	Stephens,
Cranford,	Lubbock,	Townsend,
Finch,	Maetze,	Tyler,
Frank,	McKinney,	Whatley,
Garwood,	Mott,	

ABSENT—2.

Simkins. Weisiger.

Senator Simkins entered the cham-
ber.

Senator Pope moved to excuse the
absentees for the morning session.

Adopted by the following vote:

YEAS—23.

Atlee,	Harrison,	Seale,
Burney,	Ingram,	Simkins,
Clark,	Johnson,	Sims,
Clemens,	Maetze,	Stephens,
Crane,	McKinney,	Townsend,
Cranford,	Mott,	Tyler,
Garwood,	Pope,	Whatley,
Glasscock,	Potter,	

NAYS—6.

Carter,	Kearby,	Lubbock,
Finch,	Kimbrough,	Page,

The motion of Senator Burney to
suspend the rules and take up House
bill No. 129 was

Adopted by the following vote:

YEAS—21.

Atlee,	Glasscock,	Seale,
Burney,	Harrison,	Simkins,
Clark,	Ingram,	Sims,
Clemens,	Johnson,	Stephens,
Crane,	Maetze,	Townsend,
Cranford,	Mott,	Tyler,
Garwood,	Pope,	Whatley,

NAYS—8.

Carter,	Kimbrough,	Page,
Finch,	Lubbock,	Potter,
Kearby,	McKinney,	

Bill read third time.

Senator Page offered the following
amendment:

Amend section 1, line 8, by striking
out the words "one dollar" and the
words "fifty cents" and insert in lieu
thereof the words "ten cents."

Senator Burney moved the previous question on the amendment and the bill and the main question was ordered.

The amendment of Senator Page was lost by the following vote:

YEAS—12.

Carter,	Kearby,	Potter,
Crane,	Lubbock,	Simkins,
Cranford,	Kimbrough,	Townsend,
Finch,	Page,	Whatley.

NAYS—18.

Atlee,	Glasscock,	Pope,
Burney,	Harrison,	Seale,
Clark,	Johnson,	Sims,
Clemens,	Maetze,	Stephens,
Frank,	McKinney,	Tyler,
Garwood,	Mott,	Weisiger,

The bill passed by the following vote:

YEAS—17.

Atlee,	Harrison,	Sims,
Burney,	Johnson,	Stephens,
Clark,	Maetze,	Townsend,
Clemens,	Mott,	Tyler,
Garwood,	Pope,	Weisiger,
Glasscock,	Seale,	

NAYS—14.

Carter,	Ingram,	Page,
Crane,	Kearby,	Potter,
Cranford,	Kimbrough,	Simkins,
Finch,	Lubbock,	Whatley.
Frank,	McKinney,	

The following privileged report was presented:

COMMITTEE ROOM,
Austin, April 10, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Constitutional Amendments, to whom was referred

Senate joint resolution, being "A resolution to amend section 4 of article 6 of the constitution of the state of Texas, providing for a system of registration in cities of ten thousand inhabitants or more,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it be adopted.

Respectfully submitted,

SIMKINS, Chairman.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
Twenty-second Legislature,
Austin, April 10, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—I am directed to inform the Senate that the House has passed

Senate bill No. 346, being "An act to encourage the construction and main-

tenance of deep water harbors, navigable channels, docks and wharves on the gulf coast within the state of Texas," with amendments.

Ayes 61, nays 20.

SAM H. DIXON,

Chief Clerk House of Representatives.
Adjourned.

Senator Townsend moved to reconsider the motion passing House bill No. 129 and to lay that motion on the table.

The motion to table was adopted by the following vote:

YEAS—17.

Atlee,	Harrison,	Sims,
Burney,	Johnson,	Stephens,
Clark,	Maetze,	Townsend,
Clemens,	Mott,	Tyler,
Garwood,	Pope,	Weisiger,
Glasscock,	Seale,	

NAYS—14.

Carter,	Ingram,	Page,
Crane,	Kearby,	Potter,
Cranford,	Kimbrough,	Simkins,
Finch,	Lubbock,	Whatley.
Frank,	McKinney,	

(Senator Tyler in the chair.)

Senator Frank moved to postpone pending business, suspend the rules and take up out of its regular order

Senate bill No. 346, entitled "An act to encourage the construction and maintenance of deep water harbors, navigable channels, docks and wharves on the gulf coast within the State of Texas,"

Adopted.

Senator Frank moved that the Senate concur in the following House amendments:

Amendments to Senate bill No. 346.

Amend section 5, line 1, page 3, after the word "state" by adding:

And such tolls and charges shall be subject to the regulation and control of the railroad commission.

Amend section 4 by adding the following: If an individual, association of individuals, company or corporation, purchasing any land, island or shallow water bays under this act shall fail to secure twenty feet of water within ten years, then all such rights shall revert to the State.

Amend section 1, line 9, by striking out the word "one" and insert in lieu thereof the word "one-half," and in line 10 of the same section insert after the word "channel" the words "leading into the main harbor from the open sea."

Amend on page 2, line 1, by striking out the words "desire to."

Amend section 4, page 3, line 6, by inserting after the word "years" the following:

"And maintain said twenty feet of water continuously for two years."

Amend by adding section as follows:

Section —. Before any rights can vest in any corporation by virtue of any purchase of public lands, islands, shores, or shallow bays, the said corporation shall file with the secretary of state a release to the state of Texas of all claim, or right, to have its tolls, or charges imposed for any use to be made of such property, or structures thereon, regulated by any act of congress now existing, or hereafter to be passed.

And after the word years, in line 6, on page 3, the following—from the date of such purchase,

Amend section 2, line 13, by making the word "island" read "islands," (in the plural) and also insert after the words "Tally island" the words "and Lydia Ann island."

Amend by adding in line 7, page 1, after the word "acre" the following:

"So much of."

Amend section 4 by adding thereto as follows:

"If the purchaser of any island, shallow water, bays and land, or either, under this act shall fail to pay the annual interest upon any part of the purchase money when such interest shall become due, or if such purchaser shall fail to pay the principal when the same shall become due, then all rights acquired under such purchases shall be forfeited, with all payments made thereon, without any judicial ascertainment of such forfeiture, and the commissioner of the general land office shall endorse upon the contract of purchase that the same is forfeited, whereby all rights so acquired shall be forfeited and revert to the State. If any such corporation shall fail to conform to the act of congress in prosecuting such work, or if such corporation shall fail to secure twenty feet of water at low tide, upon the bars and other obstructions between the main harbor and the gulf of Mexico, within ten years after the date at which this act shall take effect, and maintain said twenty feet of water continuously for two years if such corporation now exist, or within five years of the date of the filing of the charter of any such company hereafter to be formed, then all islands, lands, shallow bays and other rights acquired under this act shall be forfeited and shall revert to and vest in the State of Texas.

Amend by making section 6, section 7, and making section 6 read as follows

The privileges and rights granted in this act shall never be exercised so as to in any way hinder or interfere with the completion of any railroad heretofore chartered to be built to and upon Harbor Island in and upon the location designated in such charter; nor with any such railroads acquiring and controlling all necessary depot grounds, wharf grounds and deep water fronts that it may or could have legally acquired had not this act been enacted.

Amend caption by adding thereto as follows, viz:

"And to define the rights and duties, and fix the liabilities of the corporations that may acquire land or privileges under this act."

Amend section 5, striking out all after 5 and insert as follows:

Any corporation organized under the laws of this state which has such authority as mentioned in the first section of this act conferred upon it by act of the congress of the United States, may construct, own and maintain upon the gulf coast of Texas, in connection with its deep water harbor and navigable channels, docks and wharves and navigable channels for the accommodation of commerce, and such corporation may charge, demand and receive reasonable and just tolls and charge for the use of such docks and wharves; but all navigable channels so constructed shall forever remain open and free to all vessels without fee or charge; the tolls and charges for the use of said docks and wharves shall be equal, just and uniform to all vessels, persons and corporations without discrimination as to amount charged or delay in handling the same, and all such tolls and the charges shall be under the control of the Legislature of the state of Texas; and until otherwise directed by the Legislature shall be subject to control and regulation by the Railroad Commission under the rules prescribed for the regulation of railroads, so far as applicable. Any railroad or other means of transportation which may be constructed between the main land and any deep water harbor or channel shall be a public highway and all rates and charges for the transportation of freight and passengers thereon shall be subject to the control and regulation of the railroad commission as a railroad; such railroad or other means

of transportation shall receive from each and every ship, boat and vessel, or from the wharf on which the same is discharged all freights and passengers and transport, and deliver them to the consignee or any connecting line of railroad without discrimination as to charges or delay in transportation and delivery, and shall in like manner receive from every person and from every connecting line of railroad all freight and passengers and transport and deliver the same to each and every ship, boat or vessel or person or corporation for delivery to such ship, boat or vessel on like equal and just terms without discrimination as to charges or delay in transportation or delivery thereof.

Nothing herein shall be construed to affect any rights acquired before the passage of this act. The acceptance of this act or the exercise of any rights or privileges granted in this act by said corporations or any person or corporation holding under the same shall be deemed and held to be a contract with the state that any wilful violation of the provisions of this act, or the doing of any acts herein prohibited, shall work a forfeiture of all rights acquired under this act so far as then held or claimed by the person or corporation guilty of such violation.

Amendment—Strike out the word "ten," in line 6, page 3, and insert "five."

Amend section 1, line 10, by inserting after the word "channel" the following:

"Provided, that in no case shall such strip or body of land be more than one-half mile in width."

Add to section 2 the following—provided that one half of the proceeds of the sale of the lands as provided for in this act shall belong to the permanent free school fund of this state.

The amendments were concurred in.
REGULAR ORDER.

Substitute House bill Nos. 6, 89 and 91, entitled "An act to regulate assignments for the benefit of creditors, to declare what shall operate as assignments and to prescribe rules for administering same was taken up and read second time with a favorable committee report.

Senator Pope moved to consider the bill by sections.

Adopted.

Senator Townsend moved to postpone consideration of the bill indefinitely.

Lost by the following vote:

Frank,	McKinney.	Townsend.
Harrison,	Page,	Tyler,
Johnson,	Simkins,	Whitley.
Lubbock.	Stephens.	

Atlee,	Finch,	Maetze,
Burney,	Garwood,	Pope,
Carter,	Glascock,	Seale,
Clark,	Ingram,	Sims,
Crane,	Kearby,	Weisiger.
Cranford,	Kimbrough,	

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
TWENTY-SECOND LEGISLATURE,
Austin, Texas, April 10, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—I am directed by the House to inform you that the House concurs in Senate amendments to substitute House bill Nos. 498 and 520, known as the "oyster bill."

And the passage of the following bills:

Senate bill No. 365, "An act to require railroad companies in this State to provide separate coaches for white and negro passengers, and to prohibit passengers from riding in coaches other than those set apart for their race and to confer certain powers upon conductors and to provide penalties for the violation of this act, passed by the Twenty second Legislature and approved March, 1891."

Respectfully,

Geo. W. FINGER,

Acting Chief Clerk House of Representatives.

Senator Cranford called up the motion to reconsider the resolution to fix a day for adjournment sine die.

The motion to reconsider was lost by the following vote:

Carter,	Kimbrough,	Simkins.
Finch,	Page,	Stephens.
Frank,	Seale,	Weisiger.

Clark,	Johnson,	Pope.
Clemens,	Kearby,	Potter,
Crane,	Lubbock,	Sims,
Cranford,	Maetze,	Townsend,
Garwood,	McKinney,	Tyler,
Harrison,	Mott,	Whitley.
Ingram,		

Senator Townsend withdrew his motion to reconsider the vote adopting the report of the free conference committee on Senate bill No. 100.

Senator Townsend called up the motion to reconsider the vote by which the Senate refused to pass to a third reading Substitute House bill Nos. 16 and 109.

Senator Carter made the point of order that the motion could not be considered without suspending pend-

ing business, which was sustained by the chair.

(The president in the chair.)

Senator Townsend moved to postpone pending business, suspend the rules and take up the motion to reconsider the vote by which the Senate refused to pass Substitute House bill Nos. 16 and 109 to a third reading.

Lost by the following vote:

YEAS—17.

Atlee,	Johnston,	Stephens,
Clark,	McKinney,	Townsend.
Crane,	Mott,	Tyler,
Cranford,	Page,	Weisiger,
Glasscock,	Pope,	Whatley.
Harrison,	Sims,	

NAYS—9.

Carter,	Garwood,	Kimbrough,
Finch,	Ingram,	Seale,
Frank,	Kearby,	Simkins.

The chair gave notice of signing and signed in presence of the Senate, after its title had been read,

Substitute House bill Nos. 33, 238, 296 and Senate bill No. 5, entitled an act to create a more efficient road system for the several counties of this state authorizing the appointment of road superintendents, defining their duties and prescribing penalties for their failure to perform their duties, and further define the powers and duties of the commissioners courts in the counties in which the provisions of this act are adopted.

Senator Simkins moved to postpone pending business, suspend the rules and take up out of its regular order House bill No. 64, entitled an act to amend articles 2967, 2977 and 2980 of title 54 of the revised civil statutes of the state of Texas relating to interest.

Adopted by the following vote:

YEAS—26.

Atlee,	Johnson,	Potter,
Burney,	Kearby,	Seale,
Clark,	Kimbrough,	Simkins,
Clemens,	Lubbock,	Sims,
Crane,	McKinney,	Stephens,
Garwood,	Mott,	Townsend,
Glasscock,	Page,	Tyler,
Harrison,	Pope,	Weisiger,
Ingram,		Whatley,

NAYS—3.

Carter, Finch, Frank.
Bill read second time with the following committee amendment:

Strike out proviso to article 2976.

The bill was passed to a third reading.

Senator Simkins moved to reconsider the vote passing the bill to a third reading.

The committee amendment was adopted.

Adopted.

The bill was passed to a third reading.

Senator Simkins moved to suspend the constitutional rule requiring bills to be read on three several days and that the bill be put upon its third reading and final passage.

Adopted by the following vote:

YEAS—30.

Atlee,	Glasscock,	Pope,
Burney,	Harrison,	Potter,
Carter,	Ingram,	Seale,
Clark,	Johnson,	Simkins,
Clemens,	Kearby,	Sims,
Crane,	Kimbrough,	Stephens,
Cranford,	Lubbock,	Townsend,
Finch,	McKinney,	Tyler,
Frank,	Mott,	Weisiger,
Garwood,	Page,	Whatley.

NAYS—None.

Bill read third time and passed.

Senator Burney moved to postpone pending business, suspend the rule and take up out of its regular order.

House bill No. 640, being "An act to amend an act incorporating the city of San Antonio, approved August 13, 1870, and all acts amendatory thereof, and to validate certain acts thereunder."

Adopted and bill read second time with a favorable committee report.

The bill was passed to a third reading.

Senator Burney moved to suspend the constitutional rule requiring bills to be read on three several days in each House, and that the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS—28.

Atlee,	Glascock,	Pope,
Burney,	Harrison,	Potter,
Carter,	Ingram,	Seale,
Clark,	Kearby,	Sims,
Clemens,	Kimbrough,	Stephens,
Crane,	Lubbock,	Townsend,
Cranford,	McKinney,	Tyler,
Finch,	Mott,	Weisiger,
Frank,	Page,	Whatley.
Garwood,		

NAYS—None.

Bill read third time and passed by the following vote:

YEAS—26.

Atlee,	Garwood,	Potter,
Burney,	Harrison,	Seale,
Carter,	Johnson,	Sims,
Clark,	Kimbrough,	Stephens,
Clemens,	Lubbock,	Townsend,
Crane,	McKinney,	Tyler,
Cranford,	Mott,	Weisiger,
Finch,	Page,	Whatley.
Frank,	Pope,	

NAYS—2.

Glasscock,

Kearby.

REGULAR ORDER.

Substitute House bill Nos. 6, 89 and 91 on second reading.

Senator Page offered the following amendment:

Amend by striking out the enacting clause.

Adopted by the following vote:

YRAS—17.

Atlee,	Joh son,	Stephens.
Furney,	Lubbock,	Townsend.
Clemens,	McKinney.	Tyle,
Frank,	Mott,	Weisiger.
Garwood,	Page.	Whatley.
Harrison,	Sims,	

NAYS—12.

Carter,	Finch.	Kimbrongh,
Clark,	Glasscock	Pope.
Crane,	Ingram,	Porter,
Cranford,	Kearly,	Seale.

On motion of Senator Seale Senator Ingram was excused for the morning session on account of sickness.

Senator Garwood moved to postpone pending business, suspend the rules and take up out of its regular order substitute House bill No. 481.

Adopted and bill read second time with a favorable committee report.

Senator Crane moved that the bill be postponed until tomorrow and that it be printed in the Journal.

Adopted.

(The bill reads as follows:)

Substitute House bill No 281, an act to amend sections 11, 14 and 15 of an act to amend sections 5, 8, 11, 13, 14, 15 and 22, chapter 99, of an act entitled "An act to provide for the sale of all lands or heretofore or hereafter surveyed and set apart for the benefit of the public free schools, the university and the several asylums, and the lease of such lands and of the public lands of the State, and to prevent the free use, occupancy unlawful enclosure or unlawful appropriation of such lands, and to prescribe and provide adequate penalties therefor, approved April 1, 1887, approved 8, 1-89 "

Section 1. Be it enacted by the Legislature of the State of Texas:

That an act to amend sections 5, 8, 11, 13, 14, 15 and 22, chapter 99, of an act to provide for the sale of all land heretofore or hereafter surveyed and set apart for the benefit of the public free schools, the university and all the several asylum lands and the lease of such lands and of the public lands of the State and to prevent the free use and occupancy, or unlawful enclosure or unlawful appropriation of such lands and to prescribe and provide adequate penalties therefor, Approved April 1, 1887; Approved April 8, 1889, be so amended as to hereafter read as follows, to wit:

Section 11 If upon the first day of November of any year the interest due on any obligation remains unpaid, the purchaser shall have until the first day of April following in which to pay said interest, and for said default said purchaser shall pay

25 per cent. penalty on said interest then past due; and if said purchaser shall fail to pay said past due interest and penalty on or before said first day of April the commissioner of the general land office shall endorse on such obligation "lands forfeited," and shall cause an entry to that effect to be made on the account kept with the purchaser, and thereupon said land shall be forfeited to the state without the necessity of the re entry or the judicial ascertainment and shall revert to the particular fund to which it originally belonged and be resold under the provisions of this act or any future law; provided if any purchaser shall buy, his heirs or legal representatives shall have one year in which to make payment after the first day of November next after such death; and if any purchaser shall fail to reside upon and improve in good faith the land purchased by him he shall forfeit said land and payment thereon made to the State, in the same manner as for non payment of interest and such land shall again be for sale as if no such sale or forfeiture had occurred, or if he shall fail to make the proof of occupancy within the time and in the manner prescribed by the regulations of the commissioner of the general land office as provided for in section 9 of this act, he shall in like manner forfeit the lands and all payments thereon to the State; provided, further, that nothing in this section contained shall be construed to inhibit the State from instituting such legal proceedings as may be necessary to enforce such forfeiture or to protect any other right to such land, which suits may be instituted by the Attorney General, under the direction of the Governor, in the proper court of the county in which the land lies; provided, this section shall be printed on the back of the receipt.

Section 14. The public lands and all lands belonging to the public free schools, asylums or university fund, shall be leased by the Commissioner of the General Land Office, under the provisions of this act. All such lands lying west of the Pecos river, and all such lands lying south of the Texas and Pacific railroad, except the counties of Concho, McCulloch Sterling, Coke, Glasscock, Midland, Ector, Tom Green, Howard and Martin, and all university lands shall be leased for a period of not longer than ten years, and all other such lands lying north of the Colorado

river, and north of the Texas and Pacific, and the counties hereinbefore excepted from the ten year lease, shall be leased for a period of not longer than five years, and the lessee shall pay an annual rental of four cents per acre for all lands leased; provided, that the university lands may be leased at three cents per annum, which rental shall be paid each year in advance, the first payment to be made at the time the lease is executed, and if at the termination of any lease of such lands are not in demand for actual settlement, they may be again leased for another five years, and the lessees thereof, whose term of lease has expired, shall have the refusal of such land as he has been leasing, on the terms and at the price that may be fixed therefor by the commissioner of the general land office, and all leases shall be executed under the hand and seal of the commissioner of the general land office, and shall be delivered to the lessee or his duly authorized agent, and such leases shall not take effect until the first payment of the annual payment is paid and the lease duly filed for record in the county where the land lies or to which it may be attached for judicial purposes, and it shall not be necessary for the commissioner to acknowledge such lease before the same is placed on record.

Sec. 15. Any person desiring to lease any portion of public lands belonging to any of the funds mentioned in this act, the sale and lease of which is not provided for by any other law, shall make application in writing to the Commissioner of the General Land office specifying and describing the particular lands he desires to lease; thereupon the commissioner, if satisfied the lands are not in demand for actual settlement, and that such lands can be leased without detriment to the public interest, shall notify the applicant in writing that his proposition to lease is accepted; and thereupon he shall execute and deliver to the lessee in the name of the state a lease of said lands for such terms as may be agreed upon, not longer than the period of time fixed by this act, according to its location, and deliver the same to such lessee when satisfied that the lessee has paid to the treasurer of the state the rental for one year in advance. No lands which are now or which may hereafter be classified as grazing lands within the

territory where a ten years lease is authorized, as set forth in the preceding section of this act shall be subject to sale during the term of the lease contract therefor, and the possession of the lessee shall not be disturbed during the term of his lease. All lands, the lease of which is fixed by this act at not exceeding five years, shall be leased subject to sale; provided, that if any lessee has actually settled upon any section of land included in his lease, and erected thereon his residence and substantial improvements for permanent settlement, such section shall not be sold, nor shall such settler be disturbed during the term of his lease, and all leases of agricultural lands embraced in the territory where a lease not exceeding ten years is provided for in this act shall be subject to sale to actual settlers except when settlement and improvements are made as herein provided for in this section by the lessee. In all cases when an actual settler may desire to settle on any grazing land which may have been leased under a five year contract of lease, such actual settler shall first erect thereon substantial improvements of not less than \$100 within four months after making his application to purchase, satisfactory proof of which shall be made under such regulations as the commissioner of the general land office may require; thereupon the land shall be awarded to him. In such cases the lessee shall have a pro rata credit on his next year's rental of any other lands which may be included in his lease contract, or the money for the unexpired year of the lease of such portion of his lease lands refunded to him by the treasurer of the state, as he may elect.

No purchaser or other person than the lessee shall be permitted to turn loose within such leasehold more than one head of horses or mules or cattle, for any ten acres of land purchased, owned or controlled by him and unenclosed; or in lieu thereof four head of sheep or goats to every ten acres so purchased, owned or controlled, and unenclosed. Each violation of the provisions of this act, which restricts the number of stock that may be turned loose on lands leased from the State, shall be an offense, and the owner on conviction shall be punished by fine of not less than \$1 for each head of stock he may so turn loose and each thirty days violation of the provisions of this section shall constitute

a separate offense.

None of the requirements for improvements to be made by an applicant to purchase shall be required of any person who shall desire to buy and settle upon any agricultural lands, under lease, made under the provisions of this act. In all cases where any lessee shall forfeit his contract of lease, by failure to pay annually in advance the money due on his lease, whether such lease was heretofore, or may hereafter, be made, and whether for a ten or five year lease, the lands embraced in any such contract shall thereafter be leased subject to sale as herein before provided for.

Section 2. The near approach of the close of the present session making it impossible for this bill to be read on three several days, a public emergency exists for the suspension of the constitutional rule requiring bills to be read on three several days; said rule is therefore suspended.

Senator Cranford moved that Substitute House bill Nos. 42 and 137 be made special order for tomorrow morning, and that it be printed in the journal.

Adopted.

The bill is as follows:

An act to amend title III, articles 9 and 10, and to add articles 10a, 10b, 10c, 10d, 10e, 10f, 10g and 10h and to repeal all laws in conflict herewith.

Section 1. Be it enacted by the Legislature of the State of Texas: That title 3 and articles 9 and 10 be amended, and by the addition 10a, 10b, 10c, 10d, 10e, 10f, 10g and 10h, so as hereafter to read as follows:

Article 9. An alien shall have and enjoy in the state of Texas such rights pertaining to personal property as are or shall be accorded to citizens of the United States by the laws of the nation to which such alien shall belong, or by treaties of such nations with the United States.

Article 10. No alien or person who is not a citizen of the United States of America shall acquire title to or own any interest in the lands within the state of Texas, or any deed or other conveyance purporting to convey such interest to any alien or unnaturalized foreigner or to any firm, corporation or company composed of such in whole or in part shall be void.

Article 10a. This chapter shall not apply to any alien who shall at the time of acquiring title to lands in Texas have declared his intention of becoming a citizen of the United States

of America and who shall, in obedience to such laws become a citizen within six years from the time such intention was declared.

Article 10b. All aliens who shall hereafter take lands by devise or descent may hold the same for the space of six years, and no longer. Provided that any alien, minor or person of unsound mind inheriting lands in Texas may have six years after such minor reaches 21 years of age or person of unsound mind shall have a legal guardian.

Article 10c. Any alien may, for a reasonable consideration, take hold, assign, foreclose, sell or buy under any mortgage or deed of trust any lands within the state of Texas, in which he has an interest by virtue of having heretofore made a loan of money subject to the provisions of this chapter in reference to alienating said lands within six years as herein required.

Article 10d. If any alien shall undertake to hold lands for a longer time, or in any way contrary to the provisions of this chapter, such lands shall escheat to and vest in the state of Texas, in like manner as is provided for the escheat of estates of persons dying without any devise thereof, and having no heirs.

Article 10e. It shall be the duty of the Attorney General and district or county attorney, when they shall be informed or have reason to believe that any lands in this state are being held contrary to the provisions of this chapter, to institute suit in behalf of the state of Texas in the district court of the county where such lands are situated, praying for a writ of possession of the same in behalf of the state.

Article 10f. The escheat proceedings provided for in the next preceding article shall, in the matter of scire facias, appear and default judgment, execution and sale, be governed by the provisions of title 36 of the revised statutes of Texas, in so far as the same is applicable, except that the only question on the trial shall be whether or not the provisions of this act have been violated.

Article 10g. All laws and parts of laws in conflict with this title are hereby repealed.

Section 2. The near approach of the close of the session and the importance of the law prohibiting the alien ownership of lands in Texas creates an emergency and imperative necessity that the constitutional rule requiring bills to be read on three sev-

eral days be suspended, and it is so enacted.

Senator Carter moved to postpone pending business, suspend the rules and take up out of its regular order

House bill No. 381, entitled "An act to amend section 31 of an act to establish and maintain a system of public free schools for the state of Texas and to repeal so much of chapter 3 of title 78 of the Revised Civil Statutes as refer to public free schools outside of cities and towns assuming or having assumed control of their public free schools and all laws and parts of laws in conflict with this act, passed by the special session of the Eighteenth Legislature, which was presented to the Governor for his signature on the 6th day of February, 1884, and became a law without his approval."

Adopted and bill read second time with a favorable committee report.

Senator Clark moved to adjourn to 3 p. m. this day.

Adopted.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant-Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answering to their names:

PRESENT—24.

Clark.	Harrison.	Page.
Clemens,	Ingram.	Pope,
Crane,	Johnson,	Sims,
Cranford,	Kearby,	Stephens,
Finch,	Kimbrough,	Townsend.
Frank,	Lubbock,	Tyler.
Garwood,	Maeize,	Weisiger
Glasscock.	McKinney,	Whatley.

Senator Garwood moved to excuse Senator Seale for this afternoon on account of sickness.

Adopted.

On motion of Senator Frank Senator Glasscock was excused after 4 o'clock on account of important business

Senator Crane moved to postpone pending business, suspend the rules and take up out of its regular order House bill No. 118, entitled an act to amend article 1574, title 32 of the revised civil statutes of the State of Texas.

Adopted and bill read second time with a favorable committee report.

By request of Senator Kimbrough the following telegram was read by the secretary:

Dallas, Texas, April 9.

Hon. R. S Kimbrough. Austin.

By order of the Democratic executive committee you are respectively

requested to secure a provision in the amended charter of Dallas lodging the power to appoint all committees in the president of the council.

W. J. J. SMITH, Chairman.

Senator Crane offered the following amendment to the pending bill:

Amend by adding the following: The fact that the law in relation to pleadings of receivers is uncertain, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect and be in force from and after its passage and it is so enacted.

Adopted.

Senator Kearby offered the following amendment:

Amend by striking out all after the word "signed" in line 5, page 1, down to and including affidavit and in lieu thereof insert the following: "And sworn to by the party or his attorney on record."

Withdrawn.

The bill was passed to a third reading.

Senator Crane moved to suspend the constitutional rule requiring bills to be read on three several days and that the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS—30.

Atlee,	Glasscock.	Page,
Burney,	Harrison,	Pope,
Carter,	Ingram,	Potter.
Clark,	Johnson.	Sinkins
Clemens,	Kearby,	Sims.
Crane,	Kimbrough,	Stephens,
Cranford,	Lubbock,	Townsend,
Finch,	Maeize.	Tyler.
Frank,	McKinney,	Weisiger
Garwood,	Mott,	Whatley.

NAYS—NONE.

Bill read third time and passed by the following vote:

YEAS—23.

Atlee,	Glasscock,	Page,
Burney,	Harrison,	Pope.
Clark,	Ingram,	Potter,
Crane,	Kearby,	Sims.
Cranford,	Kimbrough,	Stephens.
Finch,	Lubbock,	Tyler.
Frank,	Maeize,	Weisiger.
Garwood,	Mott,	

NAYS—1.

Townsend,

Senator Lubbock moved to postpone pending business, suspend the rules and take up out of its regular order House bill No. 574, entitled "An act for the protection of certain birds and their eggs, and prescribing penalties for violation of this act."

Adopted and bill read second time with a favorable committee report.

The bill was passed to a third reading.

Senator Lubbock moved to suspend the constitutional rule requiring bills to be read on three several days and that the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS—28.

Atlee,	Glasscock,	Page,
Burney,	Harrison,	Pope,
Carter,	Ingram,	Potter,
Clark,	Johnson,	Sims,
Clemens,	Kearby,	Stephens,
Crane,	Kimbrough,	Townsend,
Cranford,	Lubbock,	Tyler,
Finch,	Maetze,	Weisiger,
Frank,	McKinney,	Whatley,
Garwood,	Mott,	

NAYS—None.

Bill read third time and passed by the following vote:

YEAS—24.

Atlee,	Frank,	Pope,
Burney,	Garwood,	Potter,
Carter,	Ingram,	Sims,
Clark,	Kearby,	Stephens,
Clemens,	Kimbrough,	Townsend,
Crane,	Lubbock,	Tyler,
Cranford,	Maetze,	Weisiger,
Finch,	Mott,	Whatley,

NAYS—2.

Glasscock, Page,

The following message was received from the House:

HALL HOUSE OF REPRESENTATIVES,)

TWENTY-SECOND LEGISLATURE,)

Austin, April 10, 1891.)

Hon. George C. Pendleton, President of the Senate:

Sir—I am directed to inform the Senate that the house has passed substitute House bill 400, known as the appropriation bill.

House bill No. 216, being an act to amend articles 1006 and 1008 of an act passed by the Twenty-first Legislature, approved February 1, 1891, entitled 'an act to amend articles 1006 and 1008 of an act passed by the Twentieth Legislature, approved March 25, 1887, entitled an act to amend articles 1006 and 1008 of an act passed by the Nineteenth Legislature, approved March 26, 1885.'

House bill No. 642, a bill to be entitled an act to restore and to confer upon the county court of McCulloch county the civil and criminal jurisdiction heretofore belonging to said court under the constitution and general statutes of the State; to conform the jurisdiction of the district court to such change, and to repeal all laws in conflict with the provisions of this act.

Respectfully,

SAM H. DIXON,

Chief Clerk House of Representatives.

Senator Mott moved to postpone pending business, suspend the rules and take up out of its regular order.

House bill No. 482, being "An act to amend article 4113 of the revised civil statutes of the state of Texas and to validate all charter amendments in accordance with the article as amended."

Adopted and bill read second time with a favorable committee report.

HOUSE BILLS REFERRED.

House bill No. 400, entitled "An act making appropriations for the support of the State government for the years beginning March 1, 1891, and ending February 28, 1893, to cover deficiencies and for other purposes, March 28, 1891, substitute offered by the committee."

Read first time and referred to committee on Finance.

Also House bill No. 216, entitled "An act to amend articles 1006 and 1008 of an act passed by the Twenty-first legislature approved February 1, 1891; entitled "An act to amend articles 1006 and 1008 of an act passed by the Twentieth legislature, approved March 25, 1887, entitled an act to amend articles 1006 and 1008 of an act passed by the Nineteenth legislature, approved March 26, 1885.

Also House bill No. 642, a bill to be entitled "An act to restore to and confer upon the county courts of McCulloch county the civil and criminal jurisdiction heretofore belonging to said court under the constitution and general statutes of the state of Texas and conform the jurisdiction of the district court to such change, and to repeal all laws in conflict with the provisions of this act."

The pending bill was passed to a third reading.

Senator Mott moved to suspend the constitutional rule requiring bills to be read on three several days and that the bill be passed to a third reading and final passage.

Adopted by the following vote:

YEAS—28.

Atlee,	Glasscock,	Mott,
Burney,	Harrison,	Pope,
Carter,	Ingram,	Potter,
Clark,	Johnson,	Stephens,
Clemens,	Kearby,	Townsend,
Crane,	Kimbrough,	Tyler,
Cranford,	Lubbock,	Weisiger,
Finch,	Maetze,	Whatley,
Frank,	McKinney,	
Garwood,		

NAYS—None.

Bill read third time and passed by the following vote:

YEAS—21.

Atlee,	Glasscock,	Page,
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Burney,
Clark,
Clemens,
Crane,
Cranford,
Garwood,

Harrison,
Ingram,
Johnson,
Lubbock,
Maetze,
Mott,

Pope,
St. Johns,
Townsend,
Tyler,
Weisiger,
Whatley.

NAYS—2.

Frank,
Finch,

Kearby,
Kimbrough,

McKinney,
Potter,

By permission the following report was presented:

COMMITTEE ROOM,
Austin, April 9, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Constitutional Amendments to whom was referred

House Joint Resolution No. 19, being a resolution to amend section 5, article 7 of the Constitution of the State of Texas,

Have had the same under consideration, and beg to report the same back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

SIMKINS, Chairman.

Senator Johnson asked and obtained unanimous consent to postpone pending business and take up House joint resolution No. 19, to amend section 5, article 7, of the Constitution of the State of Texas.

Joint resolution read second time with a favorable committee report.

The joint resolution was passed to a third reading.

Senator Garwood moved to postpone pending business, suspend the rules, and take up out of its regular order

House bill No. 563, entitled "An act authorizing principals and sureties on different official bonds to be joined as defendants in one and the same suits and suits on official bonds to be instituted in the name of the State alone."

Adopted and bill pending on adjournment.

On motion of Senator Clemens, the Senate adjourned to 8 p. m, this day.

EVENING SESSION.

The Senate met pursuant to adjournment.

Lieutenant-Governor Pendleton in the chair.

Roll called.

No quorum present.

The following Senators answering to their names:

PRESENT—16.

Atlee,
Clemens,
Crane,
Finch,
Frank,
Garwood,

Glasscock,
Kimbrough,
Maetze,
Page,
Pope.

Potter,
Sims,
Stephens,
Weisiger,
Whatley.

Senator Kimbrough moved a call of the senate, which was ordered.

The following senators answering to their names:

PRESENT—19.

Atlee,
Clemens,
Crane,
Cranford,
Finch,
Frank,
Garwood,

Glasscock,
Kimbrough,
Lubbock,
Maetze,
Page,
Pope.

Potter,
Sims,
Stephens,
Tyler,
Weisiger,
Whatley.

Senator Clark entered the chamber, made his excuse and on motion of Senator Frank was excused for non-attendance at roll call.

Senator McKinney entered the chamber, made his excuse and on motion of Senator Finch was excused.

Quorum present.

Senator Mott entered the chamber, made his excuse and was excused.

Senator Page moved that if the clerks completed the work of writing out the amendments to the appropriation bill they be printed in the Journal tomorrow morning.

AMENDMENTS TO APPROPRIATION BILL.

COMMITTEE ROOM,
Austin, April 10, 1891

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Finance to whom was referred

Substitute House bill No. 400, entitled an act making appropriations for the support of the State government for the years beginning March 1st, 1891 and ending February 28, 1893, to cover deficiencies and for other purposes.

Have had the same under consideration, and I am requested to report the same back to the Senate with the recommendation that it do pass with the following amendments, and that it be considered in connection with Substitute Senate bill No. 258, by committee.

1 Strike out in line 5, page 2, \$1800 for each year and substitute \$2000 for

2. Strike out all in lines 13, 14, 15, 16 and 17, page 2, and insert in lieu "repairing, papering and furnishing the house, \$2000 for the first year and \$1000 for the second year."

3. Add to line 6, page —, after the word "clerk" the following: "Who shall also act as clerk of the Penitentiary Board."

4. Add under executive office the following items:

One sixty-drawer Shannon filing cabinet, two extra alphabets, five

dozen binding cases similar to those in the offices of the attorney general and secretary of state. Also roller copier and one dozen rolls copying paper, with freight and drayage, \$350.00.

5. Amount due for labor on grounds at governor's mansion January and February, 1891, \$40.00.

6. Amount due Kreisle & Co., Astin, for carpet lining, etc., taking up, cleaning and relaying old carpet in January, 1891, \$49.88.

7. To pay for repairing and tuning piano by Thomas Goggan & Bro., February 1, 1891, \$20.00.

STATE DEPARTMENT.

Add to State department, page 2, the following items:

Deficiencies for books and stationery to J. J. Tobin for February, 1891, \$54.02.

Deficiency for postage and express to Wells, Fargo & Co. for February, 1891, \$6.85.

Deficiency Western Union Telegraph company, telegraphing, February, 1891, \$2.90.

Deficiency for ice to Zimpleman & Burnett, from January to February, 1891, \$5.10.

TREASURY DEPARTMENT.

Strike out all in line 11, page 4 and insert in lieu thereof the following:

Office furniture, files, cases, etc., \$300—100.

COMPTROLLER'S OFFICE.

Strike out all of line 13, page 5, and insert in lieu thereof salary of two warrant clerks at \$1400 each, \$2800—2800.

Strike out all of lines 24, 25, 26, 27, on page 5, and insert in lieu thereof, salary of eight second assistant clerks at \$100, \$2800—2800.

Strike out in line 2, page 6, 729 in each line and insert in lieu thereof \$600—600.

Strike out on page 5 lines 28 and 29, and insert in lieu thereof, salary of one porter and messenger, \$360—360.

Strike out in line 4, on page 6, \$3300 for one year and insert in lieu thereof \$2500—2500.

Strike out all of lines 7, 8, 9, and 10 on page 6.

GENERAL LAND OFFICE.

Strike out all of lines 20 and 21 on page 6 and insert in lieu thereof, salaries of three corresponding clerks at \$1200 each, \$3600—3600.

Strike out all of lines 22 and 23 on page 6, and insert in lieu thereof, salaries of three patent clerks, \$3600—3600.

Strike out line 25 on page 6, and in-

sert in lieu thereof, salary of one assistant filing clerk, \$1200—1200.

Salary of one filing clerk, \$1350—1350.

Strike out all of lines 29 and 30 on page 6, and insert in lieu thereof, salaries of three transcript clerks at \$1200 each, \$3600—3600.

Strike out all of lines 31 and 32 on page 6, and also line 2, page 7, and insert in lieu thereof, salaries of seven compiling draftsmen, at \$1500 each, \$10,500—10,500.

Strike out 250 and 250 in line 9, page 7, and insert \$200—200.

Add under General Land Office the following items:

Salary of chief corresponding clerk, \$1500—1500.

Salary of one assistant chief draftsman, \$1500—1500.

Salary of one calculator, \$1350—1350.

Attorney General's office:

Strike out in line 2, page 8, \$2000 for each year, and insert \$2250—2250.

Department of Agriculture, Insurance, Statistics and History:

Strike out in line 4, page 9, \$2000 for each year, and insert in lieu thereof, \$2500—2500.

In line 23, page 10, strike out \$3000 for each year, and insert in lieu thereof, \$5000—5000.

Strike out in line 22, page 19, \$35,000 for each year, and insert in lieu thereof, \$50,000—50,000.

In line 25, page 10, strike out \$1400 and insert \$1200.

For the purpose of republishing Presler & Langermann's map of Texas published in 1879, the map to be brought up to date, scale 8 miles to an inch to show the result of the topographical survey of the Geological department, also new county lines and railroads. Fifty copies of said map to be delivered to the state free, and any amount wanted by the state over and above fifty copies to be paid for at the rate of \$6.00 per copy, \$2,000.

Amount to be paid to said Presler & Langermann on the order of the governor after said map has been certified to by the commissioner of the general land office and the commissioner of insurance, statistics and history.

PRINTING BOARD.

Strike out all of lines 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20, page 11. Add under printing board department, publishing supreme court reports \$6,000 for each year.

Publishing court of appeals reports, \$4,000 for each year.

COURT OF APPEALS.

In line 27, page 12, strike out \$900 for each year and insert in lieu thereof \$600 for each year.

In line 32, page 12, strike out \$200 for each year and insert \$100 for each year.

Strike out all of lines 5, 6, 7 and 8 on page 13.

QUARANTINE.

On page 18 strike out lines 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27.

Add under this department: The state health officer is directed and empowered to sell the boat "Bessie Ross" to the best advantage, and the proceeds therefrom to be paid into the treasury of the state and applied to the payment of above appropriations for quarantine purposes.

JUDICIAL DEPARTMENT.

Strike out all of lines 9 and 10 on page 14.

Strike out on page 15, all of lines 2 and 3.

PUBLIC BUILDINGS AND GROUNDS.

Strike out in line 5, page 16, "\$1350 each year," and insert "\$1200 each year."

In line 11, page 16, strike out "\$1200 each year," and insert "\$960 each year."

In line 12, page 16, strike out 1680 each year and insert 1500 each year.

Strike out in line 15, page 16, the word "three" and insert "two" in lieu thereof, and also in line 16 strike out 2160 each year, and insert 1200 each year.

Add under this department the following items:

Improvement at boiler house and tunnel and enlarging boiler house, engine house, coal shed and tunnel, \$7000.

One fifty horse power engine, \$1000.

One two hundred light dynamo, \$1500.

One twenty light arc dynamo, \$1500.

Two seventy horse power boilers, \$1500.

For lighting vaults during day time, \$600.

Provided that the above amounts shall not be used if equivalent power can be procured otherwise.

Expenses for extra hands, gas and water for month of March \$214.55.

Flag staff \$100.

Pensions:

Add pay of M. B. Irwin, special pensioner, \$150 each year.

Pay of P. H. Bell, special pensioner, \$150 each year.

Blind Asylum:

On page 30, strike out lines 12 and 13, and insert in lieu thereof purchasing from Miss Lizzie Threshley patent right for the State of Texas to the point type writer for blind pupils, \$2000

Public Debt:

Add after the word "years" line 7, page 19, the words "out of the general revenue."

Strike out the words "said amount" in line 8, page 19, and insert in lieu thereof "any other bonds falling due the amount necessary to be borrowed."

DEAF AND DUMB ASYLUM.

On page 30, in line 25, strike out the words "at \$540 per annum each."

ORPHAN ASYLUM.

Line 32, page 31, strike out \$1200 and insert \$1800 each year.

UNIVERSITY OF TEXAS.

On page 35, in line 7, strike out 100 and insert 20 in lieu thereof.

On page 36, in line 30, strike out 100 and insert 20 in lieu thereof.

PENITENTIARIES.

Add buildings at Huntsville, \$10,000.

REFORMATORY.

Strike out on page 40, in line 10, \$700 for both years and insert \$720 for each year in lieu thereof.

On page 40, in line 20, strike out \$2500 for the first year and insert \$2620 in lieu thereof.

MISCELLANEOUS.

On page 42 strike out in line 16, 154, also in line 20, 343, and insert in lieu of both of said amounts \$200.

Add the following items;

For C. L. Thurman, sheriff of Victoria county, for conveying prisoners to the penitentiary in full settlement of all claims against the state, \$125.

Deficiencies in publishing advertisements for supplies for asylums for quarter ending March 1, 1891, \$198.

Julius Holm, sheriff, in attending trial in identifying Wm. White, an escaped convict, \$42.91

H. Kohlenberg, attached witness in case No. 2528 in Victoria county, to identify Wm. White an escaped convict, \$14 78.

Frederick Kohlenberg, attached witness in case No. 2523, in Victoria county, to identify William White, an escaped convict \$14 78.

MISCELLANEOUS DEFICIENCIES.

For publishing supreme court reports, \$232.47.

Contingent expenses general land office, \$30.00.

ATTORNEY GENERAL'S OFFICE.

Stationery, \$75.00,

Law books and periodicals, \$40.00.

For fees of county judges, justices of the peace, sheriffs and constables in examining trials, \$5000.

For salaries of district judges for February, 1891, N. A. Stedman, \$203.33.

LUNATIC ASYLUM AT AUSTIN.

Groceries, provisions, etc., estimated for February, 1891, \$5000.

Groceries, provisions, etc., actual, to February 1, 1891, \$4,981.82.

Dry goods, bedding, etc., \$1,021.83.

Dry goods, bedding, etc., estimated for February, 1891, \$500.

Repairs, sewerage, etc., actual, to February 1, 1891, \$1,253.43.

Repairs, sewerage, etc., estimated for February, 1891, \$500.

Medical stores, etc., actual, to February 1, 1891, \$256.38.

Medical stores, etc., estimated, for February, 1891, \$200.

LUNATIC ASYLUM (TERRELL.)

Groceries, fuel, gas and water, \$6927.27.

Furniture, beds, etc., \$321.56.

Medical stores, \$175.73.

General repairs, \$39.47.

Trees, seed and stock, contracted by old administration and approved by new, \$64.

DEPARTMENT OF STATE.

Books and stationery, \$54.02.

Postage and express, \$9.75.

Contingent, \$5.10.

For publishing constitutional amendments, \$30,000.

OTHER DEFICIENCIES.

To J. G. Taylor, assignee of P. C. Taylor, to 2 barrels Portland cement, \$9.00.

To Samuel I. Pope & Co., 729 barrels Lanham's grate castings and cartage, \$48.52.

For mileage and per diem of members of committee, pay of stenographer, and sergeant at arms, and of witnesses, provided in concurrent resolution No. —, providing for joint committee to investigate the receivership of the International and Great Northern Railroad, or so much thereof as may be necessary, \$1000.00.

To purchase McArdle's painting, known as the "Log Cabin History of Texas," to be purchased by the same board and on same condition as the Huddle painting hereinbefore mentioned, \$2500.00.

All of which is respectfully submitted.

CLEMENS, Chairman.

Senator Simkins entered the chamber, rendered his excuse and on mo-

tion of Senator Finch was excused.

REGULAR ORDER.

House bill No. 563, on second reading.

Bill read second time with a favorable committee report.

Senator Ingram entered the chamber, rendered his excuse and was excused.

The motion of Senator Page to print the amendments to the appropriation bill in the Journal was adopted.

Senator Johnson entered the chamber, rendered his excuse, and on motion of Senator Kimbrough was excused.

The pending bill was passed to a third reading.

Senator Garwood moved to suspend the constitutional rule requiring bills to be read on three several days, and that the bill pass to a third reading and final passage.

Adopted by the following vote:

NAYS—24.

Atlee,	Glasscock,	Page.
Clark,	Ingram,	Pope.
Clemens,	Johnson,	Potter,
Crane,	Kimbrough,	Simkins.
Cranford,	Lubbock,	Sims.
Finch,	Maetze,	Stephens.
Frank,	McKinney,	Tyler.
Garwood,	Mott,	Whatley.

NAYS—None.

Bill read third time and passed by the following vote:

YEAS—22.

Atlee,	Johnson,	Potter,
Clark,	Kimbrough,	Simkins.
Crane,	Lubbock,	Sims.
Cranford,	Maetze,	Stephens.
Finch,	Mott,	Tyler.
Frank,	Page,	Weisiger.
Garwood,	Pope.	Whatley.
Ingram.		

NAYS—5.

Glasscock, McKinney,

Senator Stephens moved to postpone pending business, suspend the rules and take up out of its regular order.

Senate bill No. 337, entitled "An act to amend article 343, title 17, chapter 2 of the revised civil statutes of Texas, relating to cities of 1000 inhabitants or over."

Adopted.

And bill read second time with a favorable committee report.

The bill was ordered engrossed.

Senator Stephens moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that the bill pass to a third reading and final passage.

Senator Kearby entered the chamber, rendered his excuse and on motion of Senator Kimbrough was excused.

The motion of Senator Stephens was adopted by the following vote:

YEAS—22.

Atlee.	Ingram,	Page,
Clark.	Johnson,	Potter,
Crane,	Kearby,	Simkins.
Cranford,	Lubbock,	Sims,
Finch,	Maetze,	Stephens
Frank,	McKinney,	Weisiger.
Garwood.	Mott,	Whatley.
Glasscock,		

NAYS—None.

Bill read third time and passed by the following vote:

YEAS—14.

Atlee,	Johnson,	Potter,
Crane,	Kearby,	Sims,
Cranford,	Kimbrough,	Stephens.
Garwood,	Mott,	Weisiger.
Ingram,	Pope,	

NAYS—10.

Clark,	Maetze,	Simkins,
Finch,	McKinney,	Tyler,
Frank,	Page,	Whatley.
Lubbock,		

Senator Kimbrough called up the motion to reconsider the vote by which the Senate refused to pass

House bill No. 57, entitled "An act to amend article 541, chapter 11, title XVII, of the revised statutes of the State of Texas."

The motion to reconsider was adopted.

The bill was passed by the following vote:

YEAS—18.

Atlee,	Johnson,	Pope.
Crane,	Kimbrough,	Potter,
Cranford,	Lubbock,	Sims,
Frank,	Maetze,	Stephens.
Garwood,	Mott,	Tyler,
Ingram,	Page,	Whatley,

NAYS—7.

Clark,	Kearby,	Simkins,
Finch,	McKinney,	Weisiger,
Glasscock,		

Senator Simkins moved to suspend the rules postpone pending business and take up out of its regular order House bill No. 235, entitled an act to amend chapter 4, title XCIII of the revised civil statutes for the prevention of certain animals from running in counties and subdivision of counties.

Adopted and bill read second time with a favorable committee report.

The bill was refused passage to a third reading by the following vote:

YEAS—8.

Garwood,	Pope.	Stephens,
Kimbrough,	Simkins,	Tyler.
Maetze,	Sims,	

NAYS—17.

Atlee,	Glasscock,	Mott,
Clark,	Ingram,	Page,
Crane,	Johnson,	Potter,
Cranford,	Kearby,	Weisiger,
Finch,	Lubbock,	Whatley.
Frank,	McKinney,	

Senator Pope moved to postpone

pending business, suspend the rules and take up the motion to reconsider the vote by which the Senate refused to pass Substitute House bill Nos. 16 and 109 to a third reading.

The motion prevailed by the following vote:

YEAS—17.

Atlee,	Johnson,	Simkins,
Clark,	Lubbock,	Sims.
Crane,	Maetze,	Stephens.
Cranford,	McKinney,	Tyler.
Garwood,	Page,	Weisiger.
Ingram,	Pope,	Whatley.

NAYS 6.

Finch,	Glasscock,	Kimbrough.
Frank,	Kearby,	Potter

The motion to reconsider was adopted by the following vote:

YEAS—18.

Atlee,	Johnson,	Simkins,
Clark,	Lubbock,	Sims,
Crane,	Maetze,	Stephens,
Cranford,	Mott,	Tyler,
Garwood,	Page,	Weisiger.
Ingram,	Pope,	Whatley.

NAYS—7.

Finch,	Kearby,	McKinney,
Frank,	Kimbrough,	Potter,
Glasscock,		

Senator Crane offered the following substitute for the bill:

A bill to be entitled an act to relieve railroad companies chartered under the revised statutes of Texas, which have in good faith constructed any part of their roads prior to the first day of January, 1889 from the operations of articles 605 and 4278 of the revised statutes, as to the road constructed, and to relieve companies which have constructed fifty miles or more of railroad from the operation of said articles and of article 4114 of the revised statutes for two years.

Senator Kimbrough moved a call of the Senate on the substitute, which was ordered.

The following Senators answered to their names:

PRESENT—26.

Atlee,	Ingram,	Pope,
Clark,	Johnson,	Potter.
Clemens,	Kearby,	Simkins,
Crane,	Kimbrough;	Sims,
Cranford,	Lubbock,	Stephens,
Finch,	Maetze,	Tyler,
Frank,	McKinney,	Weisiger.
Garwood,	Mott,	Whatley.
Glasscock,	Page.	

Senator Pope moved to excuse the absentees for the evening session.

Senator Frank moved to adjourn to 10 a. m. tomorrow.

Lost by the following vote:

YEAS—12.

Clark,	Frank,	McKinney,
Clemens,	Glasscock,	Potter,
Cranford,	Ingram,	Simkins.
Finch,	Kimbrough,	Weisiger.

NAYS—14.

Atlee,	Lubbock,	Sims.
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Cranford,	Maetze,	Stephens.
Garwood,	Mott,	Tyler.
Johnson,	Page,	Whatley.
Kearby,	Pope.	

The motion of Senator Pope to excuse the absentees was lost by the following vote:

YEAS—15.

Atlee,	Lubbock,	Pope,
Cranford,	Maetze,	Simkins,
Garwood,	McKinney,	Sims,
Ingram,	Mott,	Stephens,
Johnson,	Page,	Tyler.

NAYS—10.

Clark,	Glasscock,	Potter,
Clemens,	Kearby,	Weisiger.
Finch,	Kimbrough,	Whatley.
Frank,		

Senator Tyler moved to postpone pending business, suspend the rule and take up out of its regular order

Senate bill No. 381, being "A bill to be entitled an act to provide for taking the scholastic census of counties, under the district and community systems, and to repeal all laws in conflict herewith."

Adopted and bill taken up on second reading.

Senator Tyler offered the following amendment:

Amend bill by striking out all after the enacting clause and insert in lieu thereof the following: "Section 1. That hereafter the scholastic census of counties having no county superintendent shall be taken by the same officers and in the same manner as now provided by law for the taking of said scholastic census in counties having no county superintendent, except that said census when taken shall be returned to the county superintendent and that he shall proceed therewith as prescribed by existing law."

Sec. 2. The near approach of the close of the present session of the Legislature and the fact that county superintendents are subjected to great expense in taking the scholastic census create an emergency and an imperative public necessity that the constitutional rule requiring all bills to be read on three several days be suspended and said rule is hereby suspended, and that this act take effect and be in force from and after its passage and it is so enacted.

Adopted.

The bill was ordered engrossed.

Senator Tyler moved that the constitutional rule requiring bills to be read on three several days in each House be suspended, and that the bill be put on its third reading and final passage.

Adopted by the following vote:

YEAS—24.

Atlee,	Glasscock,	Pope,
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Clark,	Ingram,	Potter,
Clemens,	Johnson,	Simkins,
Crane,	Kimbrough,	Sims,
Cranford,	Lubbock,	Stephens,
Finch,	Maetze,	Tyler.
Frank,	Mott,	Weisiger.
Garwood,	Page,	Whatley.

NAYS—None

Bill read third time and passed by the following vote:

YEAS—19.

Atlee,	Ingram,	Potter,
Clemens,	Johnson,	Simkins,
Cranford,	Kimbrough,	Sims,
Finch,	Maetze,	Stephens,
Frank,	Mott,	Tyler.
Garwood,	Pope,	Weisiger.
Glasscock,		

NAYS—7.

Clark,	Lubbock,	Page,
Crane,	McKinney,	Whatley.
Kearby,		

(Senator Tyler in the chair.)

Senator Page moved to postpone pending business, suspend the rules and take up out of its regular order Senate bill No. 32, entitled "An act to regulate elections and to provide for printing and distributing election ballots at the public expense, and to provide penalties for its violation."

Adopted and bill read second time with a favorable committee report.

Senator Maetze moved to adjourn to 10 a. m. tomorrow.

Lost.

The bill was ordered engrossed.

Senator Clemens moved to suspend the constitutional rule requiring bills to be read on three several days and that the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS—23.

Atlee,	Ingram,	Potter,
Clark,	Johnson,	Simkins,
Clemens,	Kearby,	Sims,
Crane,	Kimbrough,	Stephens,
Cranford,	Lubbock,	Tyler.
Finch,	Mott,	Weisiger.
Garwood,	Page,	Whatley.
Glasscock,	Pope,	

NAYS—2.

Maetze,	McKinney,
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Senator Weisiger moved to adjourn to 10 a. m. tomorrow.

Lost.

Bill read third time and passed by the following vote:

YEAS—21.

Atlee,	Garwood,	Potter,
Clark,	Johnson,	Simkins,
Clemens,	Kimbrough,	Sims,
Crane,	Lubbock,	Stephens,
Cranford,	Mott,	Tyler.
Finch,	Page,	Weisiger.
Frank,	Pope,	Whatley.

NAYS—4.

Ingram,	Maetze,	McKinney.
Kearby,		

Senator Cranford moved to postpone pending business, suspend the rules and take up out of its regular order

Senate bill No. 385.

Senator Weisiger moved to reconsider the vote passing Senate bill No. 32 and asked to have that motion spread upon the Journal.

(The President in the chair.)

Senator Clemens called up the motion to reconsider the vote passing Senate bill No. 32, and moved to lay that motion on the table.

On the motion to table, the following vote was taken.

YEAS—13.

Atlee,	Kimbrough,	Potter,
Clark,	Lubbock,	Simkins,
Clemens,	Mott,	Stephens,
Cranford,	Page,	Whatley.
Johnson,		

NAYS—13.

Crane	Harrison,	McKinney,
Finch,	Ingram	Pope,
Frank,	Kearby,	Sims,
Garwood,	Maetz,	Weisiger.
Glasscock,		

There being a tie the Chair voted aye and the motion was tabled.

The Chair had the following list of counties which had no notaries public read for the information of Senators: Bailey, Cochran, Collingsworth, Crane, Crockett, Crosby, Dimmit, Ector, Foley, Gaines, Garza, Glasscock, Gray, Hartley, Hutchinson, Lamb, Loving, Linn, McMullin, Midland, Harmer, Schleicher, Terry, Upton, Ward, Winkler, Yoakum, Zapata.

On motion of Senator Lubbock the Senate adjourned to 9:30 a. m. tomorrow.

SEVENTY-FOURTH DAY.

SENATE CHAMBER,
TWENTY-SECOND LEGISLATURE,
Austin, April 11, 1891.

Senate met pursuant to adjournment.

Lieutenant-Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answering to their names:

PRESENT—31.

Atlee,	Harrison.	Pope,
Burney,	Ingram.	Potter,

Carter,
Clark.
Clemens,
Crane,
Cranford,
Finch.
Frank,
Garwood,
Glasscock.

Johnson,
Kearby,
Kimbrough,
Lubbock,
Maetze,
McKinney,
Mott,
Page.

Seale,
Simkins,
Sims,
Stephens,
Townsend.
Tyler.
Weisiger
Whatley.

Prayer by the chaplain, Dr. Smoot
Pending reading of the journal, on motion of Senator Stephens, the further reading of the same was dispensed with.

BILLS AND RESOLUTIONS.

By Senator Frank:

Concurrent resolution designating the room, known as the state library, in the capitol building, for the use of the supreme court library.

Whereas, At the last session of the legislature, on February 14 1889, a joint resolution was adopted allowing the supreme court to use the west half of the large room on the second floor of the Capitol Building as a supreme court library room, and

Whereas, The accumulation of books renders it necessary to also use the east half of said room which is now and has been vacant; therefore be it

Resolved by the Senate, the House of Representatives concurring, that the eastern half of the room on the second floor of the capitol building marked on the plans as "state library" being 68 feet wide and 124 feet long, be also designated as the supreme court library room and used for that purpose.

Adopted.

By Senator Glasscock:

Resolved, That the chairman of the he committee on Contingent Expenses have bound one hundred and fifty copies of the journals of the Senate, to be paid for out of the contingent fund, and that one copy of said journal be sent to each senator and representative.

Adopted.

By Senator Johnson:

Resolved, That a committee of five senators be appointed by the President to inquire and report what employes of the senate shall be retained after the close of the session to perform any work, what the work shall be, for how long each shall be retained and the pay of each.